

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>INTELECOM, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CAUSE NO. 1:08-cv-420-WTL-JMS</b>
	)	
<b>DOMONIC MONGELLO, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ENTRY OF DISMISSAL WITHOUT PREJUDICE**

The Court hereby **WITHDRAWS** its Order Striking Pending Claims entered April 15, 2010, and instead rules as follows.

On February 18, 2010, Magistrate Judge Jane Magnus-Stinson held a hearing on the motion of Plaintiff's counsel seeking to withdraw their representation in this case. Judge Magnus-Stinson granted counsel's motion after explaining to the Plaintiff's representative at the hearing, John Roberts, that the Plaintiff could not proceed *pro se* because a corporation must be represented by counsel in federal court.. *See Old Ben Coal Co. v. Office of Workers' Comp. Programs*, 476 F.3d 418, 418-19 (7<sup>th</sup> Cir. 2007) (citing *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993) and *Muzikowski v. Paramount Pictures Corp.*, 322 F.3d 918, 924 (7<sup>th</sup> Cir. 2003)). Judge Magnus-Stinson gave the Plaintiff 45 days to retain new counsel and warned that the failure to do so may result in dismissal of this case. More than 45 days have now passed, and no counsel has appeared on behalf of the Plaintiff. Accordingly, this case is **DISMISSED WITHOUT PREJUDICE**. *See U.S. v. Hagerman*, 549 F.3d 536, 538 (7<sup>th</sup> Cir. 2008) (citations omitted) ("The usual course when a litigant not entitled to litigate *pro se* loses its lawyer in the midst of the case is to give it a reasonable opportunity to find a new one . . . and, if it fails, either

to dismiss the case . . . or enter a default judgment.”).

SO ORDERED: 04/16/2010

A handwritten signature in black ink, reading "William T. Lawrence", is written over a horizontal line.

Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

Copy by United States mail to:

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